

232248

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MELANIE B. YASBIN
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410-296-2205

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
ENTERED
Office of Proceedings (410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

APR 27 2012

Part of
Public Record

APR 27 2012

April 26, 2012

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

RE: Docket No. AB-511 (Sub-No. 6X), *Central Railroad Company of Indianapolis—Abandonment Exemption—Howard County, IN*

Dear Ms. Brown:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for the Central Railroad Company of Indianapolis ("CERA") to abandon 2.84 miles of line in Howard County, IN, between milepost 55.66 and milepost 58.5 on CERA's Tipton Industrial Lead. Also enclosed are a check from CERA for the filing fee of \$3,600, and a computer diskette containing the Notice in Word and pdf format.

Please time and date stamp the additional copy of this letter and the Notice and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,



Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

FILE RECEIVED
APR 27 2012
SURFACE
TRANSPORTATION BOARD

FILED
APR 27 2012
SURFACE
TRANSPORTATION BOARD

232248

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-511 (Sub-No. 6X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS-ABANDONMENT
EXEMPTION-HOWARD COUNTY, IN

VERIFIED NOTICE OF EXEMPTION

ENTERED
Office of Proceedings

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Public Record

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**SURFACE
TRANSPORTATION BOARD**

FILED

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**SURFACE
TRANSPORTATION BOARD**

Scott G. Williams, Esq.
Senior Vice President and General Counsel
RailAmerica, Inc.
7411 Fullerton Street
Suite 300
Jacksonville, FL 32256
(904) 538-6329

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

Attorneys for: Central Railroad
Company of Indianapolis

Dated: April 27, 2012

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-511 (Sub-No. 6X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS—ABANDONMENT
EXEMPTION—HOWARD COUNTY, IN

VERIFIED NOTICE OF EXEMPTION

Central Railroad Company of Indianapolis (“CERA”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CERA to abandon 2.84 miles of line in Howard County, IN, between milepost 55.66 and milepost 58.5 on CERA’s Tipton Industrial Lead (“Line”). No local rail traffic has moved over the Line during the past two years. Any overhead rail traffic can be rerouted over other rail lines.

CERA filed a Notice of Exemption on July 2, 2010 to abandon the same Line at issue here.¹ In a Notice served on July 22, 2010, the Board granted CERA’s abandonment subject to labor protective conditions. In a decision served on August 20, 2010, the Board reopened and modified the July 22nd Notice to impose public use and trail use conditions for two non-contiguous portions of the Line, as well as, a notification and consultation condition if unanticipated archaeological sites, human remains, funerary items, or associated artifacts were discovered. On July 28, 2011, CERA notified the Board that at that time it would not abandon the portion of the Line that was not subject to interim trail use/rail banking and that it would also terminate interim trail use/rail banking negotiations with the City of Kokomo for the other two portions of the Line.

¹ Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—Abandonment Exemption—Howard County, IN*

Based on information in the possession of CERA, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

There are no local shippers on the Line. There has been no traffic on the Line for over 2 years.

1. Proposed consummation date. The proposed abandonment date is June 16 2012.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. Central Railroad Company of Indianapolis.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. CERA is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CERA seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 2.84 miles of line in Howard County, IN, between milepost 55.66 and milepost 58.5 on CERA's Tipton Industrial Lead.

(4) Map. *See* Exhibit B-1.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Melanie B. Yasbin, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2205, Melanie@lgraillaw.com.

(8) List of all United States Postal Service ZIP Codes that the line segments proposed for abandonment traverse. The Line traverses ZIP Code 46901.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CERA believes that the property proposed for abandonment is suitable for other public purposes. INDOT has plans to construct a Route 31 By-Pass around Kokomo. CERA and INDOT have entered into an agreement, where once CERA receives abandonment authority, CERA will convey 4.671 acres of land to the INDOT. This will allow INDOT to proceed with the construction of the new alignment of U.S. Highway 31 more efficiently and cost effectively than if the rail line remained in place.

CERA also intends to negotiate interim trail use/rail banking with the City of Kokomo for the non-contiguous 2.35-mile line between milepost 55.66 near Gano Street and milepost 57.39 at the south right-of-way of the proposed US31, and between milepost 57.88 at the north right-of-way of the proposed US31 and milepost 58.5 at the south end of the Nickel Plate Trail, distances of 0.62 and 1.73 miles respectively, in Howard County, IN. The Nickel Plate Trail, is a 40+ mile rail trail corridor running from Cassville in Howard County to Rochester in Fulton County, IN. It abuts the northerly

terminus of the Line. The Nickel Plate trail corridor was purchased from the Norfolk and Southern Railway Company via Federal rail banking.

4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. -- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Combined Environmental and Historic Report. The Combined Environmental and Historic Report is attached as Exhibit D.

Respectfully submitted,



Scott G. Williams, Esq.
Senior Vice President and General Counsel
RailAmerica, Inc.
7411 Fullerton Street
Suite 300
Jacksonville, FL 32256
(904)538-6329

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

Attorneys for: Central Railroad
Company of Indianapolis

Dated: April 27, 2012

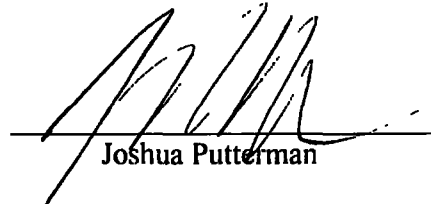
EXHIBIT A-VERIFICATION AND CERTIFICATION

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF FLORIDA)
)ss.
COUNTY OF DUVAL)

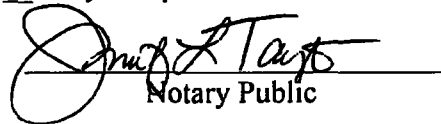
I, Joshua Putterman being duly sworn depose and state that I am Vice-President of Central Railroad Company of Indianapolis ("CERA"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has moved over CERA's 2.84 miles of line, between milepost 55.66 and milepost 58.5, on CERA's Tipton Industrial Lead, in Howard County, IN for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CERA by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.


Joshua Putterman

SUBSCRIBED AND SWORN TO before me this 26th day of April 2012.

My Commission Expires: 6/26/2013


Notary Public

JENNIFER L. TAYLOR

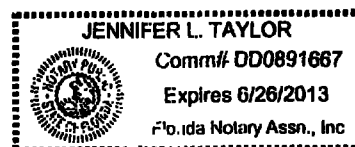
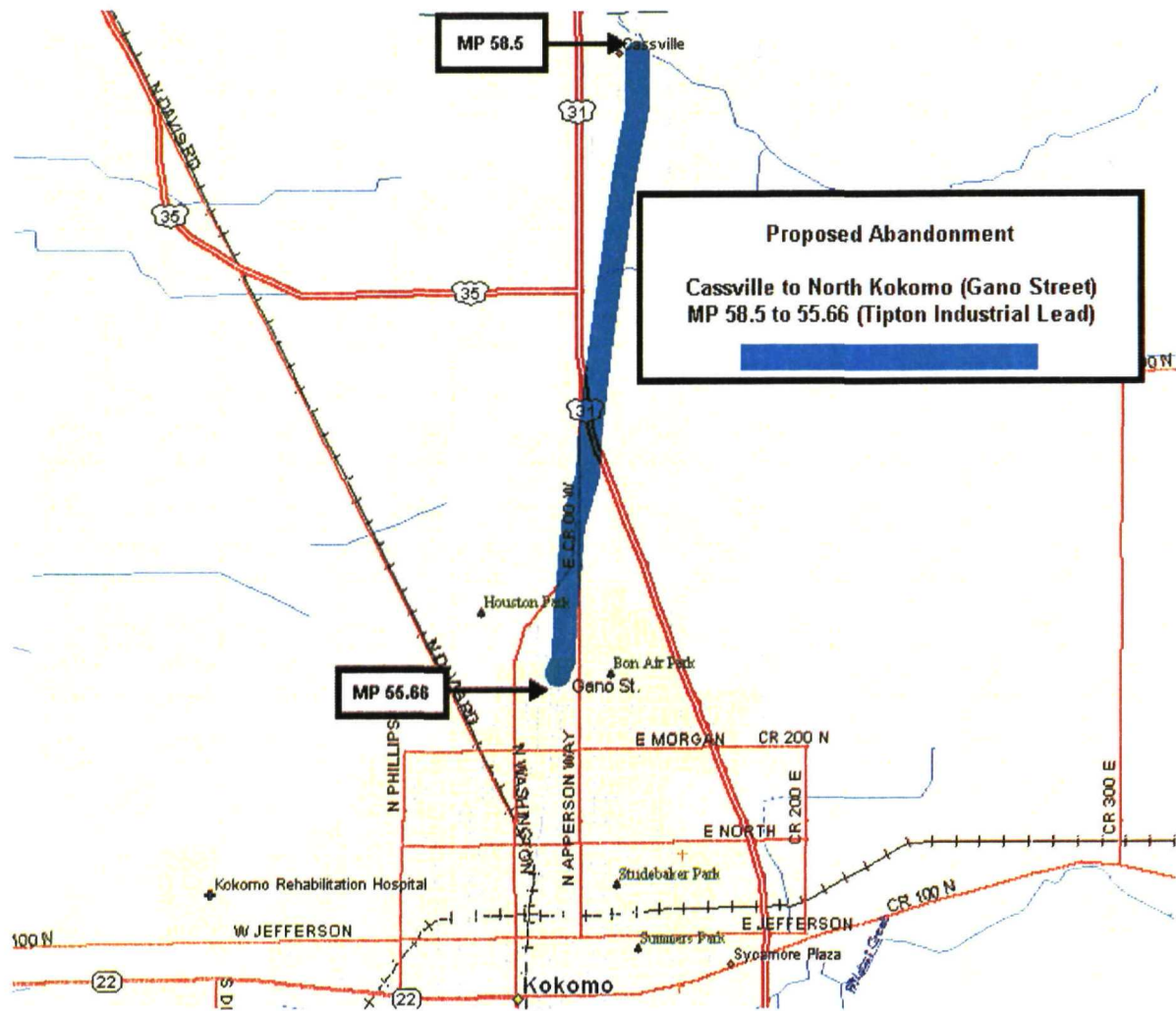


EXHIBIT B—MAP OF LINE



CERA's Tipton Industrial Lead connects Kokomo and Cassville

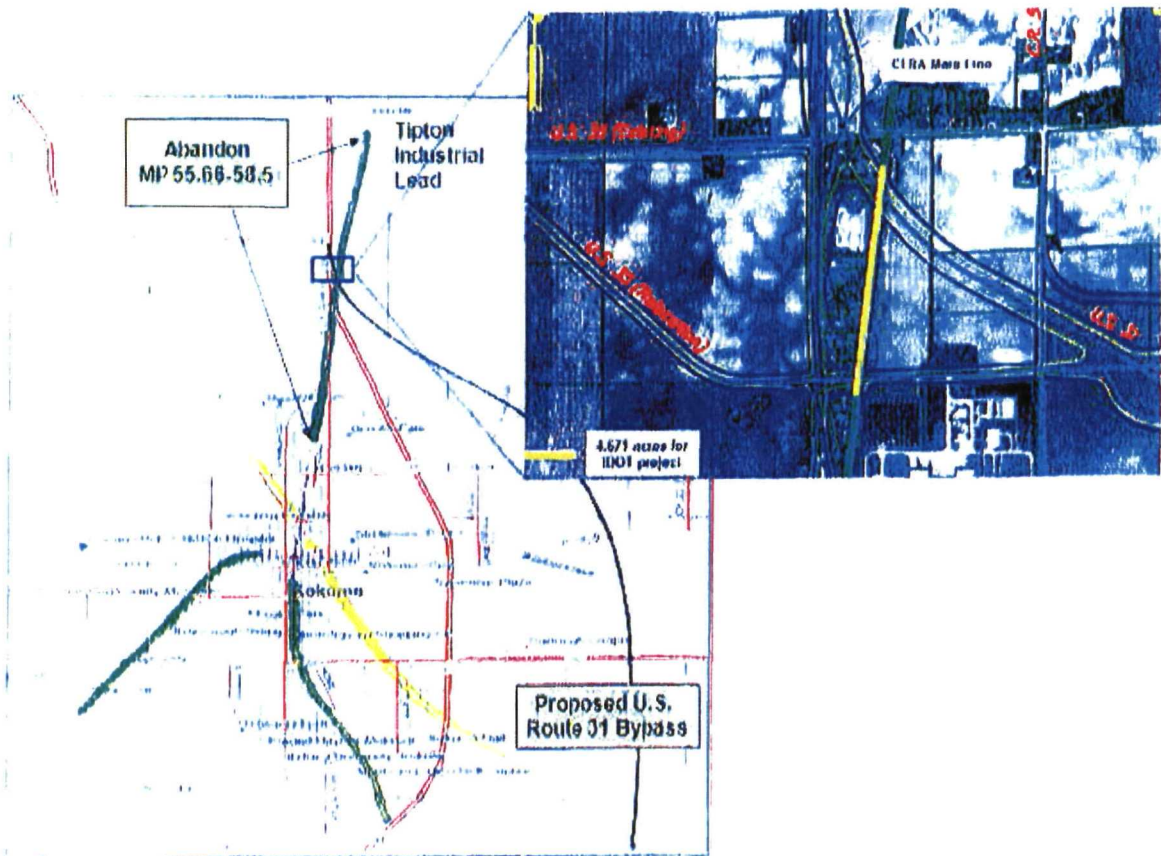


EXHIBIT C—CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-511 (Sub-No. 6X) was mailed via first class mail on April 13, 2012, to the following parties:

State Public Service Commission

Utility Regulation Commission
Indiana Government Center, South
302 West Washington Street, Room 306
Indianapolis, IN 46204

Indiana Transportation Department
Indiana Government Center, North
100 North Senate Avenue, Room N7555
Indianapolis, IN 46204-2249

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

National Park Service

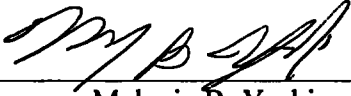
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
National Center for Recreation & Conservation
1849 C Street, N.W.
Washington, DC 20240-0001

U.S. Department of Agriculture

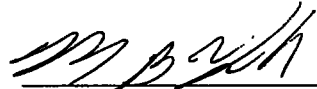
U.S. Department of Agriculture
Chief of the Forest Service
Mailstop: 1144
1400 Independence Avenue, S.W.
Washington, DC 20250



Melanie B. Yasbin
April 26, 2012

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-511 (Sub-No. 6X) was advertised on April 13, 2012 in the Kokomo Tribune, a newspaper of general circulation in Howard County, as required by 49 C.F.R. § 1105.12.

A handwritten signature in black ink, appearing to read 'M B Yasbin', written over a horizontal line.

Melanie B. Yasbin

April 26, 2012

AFFIDAVIT OF PUBLICATION

STATE OF INDIANA
County of Howard

City of Kokomo

ISSUED:

The subscriber, being duly sworn, deposes and says that
he (she) is the said Angela Lunsford of KOKOMO TRIBUNE
and that the foregoing notice for
CENTRAL RAILROAD COMPANY
was published in said newspaper in one editions
of said newspaper issued between 04/13/2012 and 04/13/2012
Cost: 124.81

Angela M Lunsford

SUBSCRIBED AND SWORN BEFORE ME THIS 16th day of April, A.D. 2012

Carolyn Pitts

Notary Public

My Commission Expires October 1, 2016

Central Railroad Company of Indianapolis ("CERA") gives notice that on or about April 25, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments permitting CERA to abandon 2.84 miles of line in Howard County, IN, between milepost 55.66 and milepost 58.5, which traverses through United States Postal Service ZIP Code 46901. This proceeding will be docketed as No. AB-511 (Sub-No. 6X). The Board's Office of Environmental Analysis will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the Chief, Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the Board's Office of Congressional and Public Services at 202-245-0233. Copies of any comments or requests for conditions should be served on the applicant's representative: Melanie B. Yasbin, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, 410-296-2205, email at Melanie@lgraillaw.com.

CERTIFICATION OF COMPLIANCE

The undersigned hereby certifies that the requirements of 49 C.F.R. §1105.7, 49 C.F.R. §1105.8(d), and 49 C.F.R. §1105.11 have been complied with in Docket No. AB-511 (Sub-No. 6X).

A handwritten signature in black ink, appearing to read 'MB Yasbin', written over a horizontal line.

Melanie B. Yasbin

April 26, 2012

EXHIBIT D - COMBINED ENVIRONMENTAL AND HISTORIC REPORT

**COMBINED ENVIRONMENTAL AND HISTORIC REPORT
CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the Combined Environmental and Historic Report was filed with the Surface Transportation Board on April 5, 2012. And pursuant to the requirements of 49 C.F.R. § 1105.7(c), .8(c), and .11, the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-511(Sub-No. 6X) was electronically mailed or mailed via first class mail on April 5, 2012, to the following parties:

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue
1GC-N, Room N901
Indianapolis, IN 46204

Indiana Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room W256
Indianapolis, IN 46204

Indiana Department of Environmental Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46206-6015

Indiana Department of Natural Resources
Division of Water
402 West Washington Street, Room W2615
Indianapolis, IN 46204

Honorable Greg Goodnight
Mayor, Kokomo
100 South Union Street
Kokomo, IN 46901

Honorable Richard Miller
President, Howard County Council
Howard County Administrative Center
220 N. Main Street
Kokomo, IN 46901

U.S. Army Corp. of Engineers
Louisville District
PO Box 59
Louisville, KY 40201-0059

Natural Resources Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46278

Environmental Protection Agency
Region 5
Metcalf Building
Office of Strategic Environmental Analysis
77 West Jackson Boulevard
Mailcode: B-19J
Chicago, IL 60604

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

U.S. Fish and Wildlife Service
500 American Blvd. West
Bloomington, MN 55437-1458

U.S. National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226



Melanie B. Yasbin
April 26, 2012